

FILED**STATE GRAND JURY OF SOUTH CAROLINA**

NOV 15 2017

JAMES R. PARKS
CLERK, STATE GRAND JURY

STATE OF SOUTH CAROLINA)	Case No. 2017-GS-47-50
)	
)	
v.)	INDICTMENT FOR EMBEZZLEMENT
)	
)	
BRANTLEY D. THOMAS, III,)	
)	
Defendant.)	
)	

At a session of the State Grand Jury of South Carolina, convened at Columbia, South Carolina on November 15, 2017, the State Grand Jurors present their oath:

**COUNT I
EMBEZZLEMENT
S.C. Code Ann. § 16-13-210**

That BRANTLEY D. THOMAS, III, in Berkeley County, on or about November 3, 2010 while THOMAS was responsible for the safekeeping, transfer and disbursement of public funds, did embezzle and convert to his own use ten thousand dollars or more (\$10,000) of those public funds, with the intention to defraud the Berkeley County School District, to wit:

THOMAS, while serving in his capacity as a financial officer for the Berkeley County School District, did convert to his personal use approximately \$26,743.31 of public school funds, by obtaining a cashier's check for that amount drawn on the Berkeley County School District General Fund and made out to the servicer of THOMAS's personal

credit card account, and then applying that check as payment on his personal credit card account.

All in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and such conduct involving public corruption or arising out of or in connection with a crime involving public corruption and such conduct having not been authorized by law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

**COUNT II
EMBEZZLEMENT
S.C. Code Ann. § 16-13-210**

That BRANTLEY D. THOMAS, III, in Berkeley County, on or about September 24, 2008, while THOMAS was responsible for the safekeeping, transfer and disbursement of public funds, did embezzle and convert to his own use ten thousand dollars or more (\$10,000) of those public funds, with the intention to defraud the Berkeley County School District, to wit:

THOMAS, while serving in his capacity as a financial officer for the Berkeley County School District, did cause approximately \$31,956.12 of public school funds to be withdrawn from a Berkeley County School District investment account, whereby the funds were then converted to his personal use in the form of payment on one of THOMAS's credit card accounts.

All in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and such conduct involving public corruption or arising out of or in connection with a crime involving public corruption and such conduct having not been authorized by law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

**COUNT III
EMBEZZLEMENT
S.C. Code Ann. § 16-13-210**

That BRANTLEY D. THOMAS, III, in Berkeley County, on or about November 29, 2007, while THOMAS was responsible for the safekeeping, transfer and disbursement of public funds, did embezzle and convert to his own use ten thousand dollars or more (\$10,000) of those public funds, with the intention to defraud the Berkeley County School District, to wit:

THOMAS, while serving in his capacity as a financial officer for the Berkeley County School District, did convert to his personal use approximately \$22,700.00 of public school funds, by deliberately causing the Berkeley County School District to overpay a vendor, and then having the vendor send a refund of the overpayment to his home address, upon which the funds were converted to his personal use.

All in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and such conduct involving public corruption or arising out of or in connection

with a crime involving public corruption and such conduct having not been authorized by law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

**COUNT IV
EMBEZZLEMENT
S.C. Code Ann. § 16-13-210**

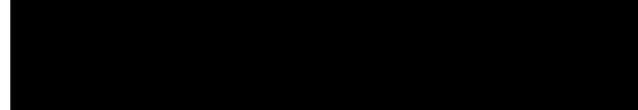
That BRANTLEY D. THOMAS, III, in Berkeley County, on or about November 20, 2007, while THOMAS was responsible for the safekeeping, transfer and disbursement of public funds, did embezzle and convert to his own use ten thousand dollars or more (\$10,000) of those public funds, with the intention to defraud the Berkeley County School District, to wit:

THOMAS, while serving in his capacity as a financial officer for the Berkeley County School District, did convert to his personal use approximately \$11,602.16 of public school funds, by causing the Berkeley County School District to route money that supposedly was for payment on a school district line of credit instead to his personal checking account.

All in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and such conduct involving public corruption or arising out of or in connection with a crime involving public corruption and such conduct having not been authorized by law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

A True Bill



FOREPERSON

A handwritten signature in blue ink that appears to read "Alan Wilson".

ALAN WILSON (scw)
ATTORNEY GENERAL

FILED

OCT 17, 2017

James R. Parks

CLERK, STATE GRAND JURY

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA) Case No. 2017-GS-47-31
)
)
)
v.) SUPERSEDING
) INDICTMENT FOR EMBEZZLEMENT
) (TEN COUNTS) AND FORGERY
)
BRANTLEY D. THOMAS, III,)
)
Defendant.)

)

At a session of the State Grand Jury of South Carolina, convened at Columbia, South Carolina on October 17, 2017, the State Grand Jurors present their oath:

**COUNT I
EMBEZZLEMENT
S.C. Code Ann. § 16-13-210**

That BRANTLEY D. THOMAS, III, in Berkeley County, on or about July 9, 2004, while THOMAS was responsible for the safekeeping, transfer and disbursement of public funds, did embezzle and convert to his own use ten thousand dollars or more (\$10,000) of those public funds, with the intention to defraud the Berkeley County School District, to wit:

THOMAS, while serving in his capacity as a financial officer for the Berkeley County School District, did cause approximately \$89,900.00 of public school funds to be wired from a Berkeley County School District account directly into a personal bank account belonging to THOMAS and another person, whereby the funds were then

converted to personal use. This occurred at a time when THOMAS and the other person were actively in the process of purchasing a lot and building a house in the Tanner Hall neighborhood of Hanahan, South Carolina.

All in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and such conduct involving public corruption or arising out of or in connection with a crime involving public corruption and such conduct having not been authorized by law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

**COUNT II
EMBEZZLEMENT
S.C. Code Ann. § 16-13-210**

That BRANTLEY D. THOMAS, III, in Berkeley County, on or about November 28, 2005, while THOMAS was responsible for the safekeeping, transfer and disbursement of public funds, did embezzle and convert to his own use ten thousand dollars or more (\$10,000) of those public funds, with the intention to defraud the Berkeley County School District, to wit:

THOMAS, while serving in his capacity as a financial officer for the Berkeley County School District, did cause approximately \$39,452.31 of public school funds to be wired from a Berkeley County School District account directly into a personal bank account belonging to THOMAS and another person, whereby the funds were then

converted to personal use. This occurred around a time when the account of THOMAS and the other person started its bank statement cycle with only a \$61 balance -- and that merely represented the remainder of earlier overdraft protection advance.

All in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and such conduct involving public corruption or arising out of or in connection with a crime involving public corruption and such conduct having not been authorized by law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

**COUNT III
EMBEZZLEMENT
S.C. Code Ann. § 16-13-210**

That BRANTLEY D. THOMAS, III, in Berkeley County, on or about December 2, 2011, while THOMAS was responsible for the safekeeping, transfer and disbursement of public funds, did embezzle and convert to his own use ten thousand dollars or more (\$10,000) of those public funds, with the intention to defraud the Berkeley County School District, to wit:

THOMAS, while serving in his capacity as a financial officer for the Berkeley County School District, did convert to his personal use approximately \$26,743.31 of public school funds, by causing the Berkeley County School District to route a check, that supposedly was made out to pay a legitimate vendor, instead to THOMAS's credit card

servicer for payment on his personal account.

All in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and such conduct involving public corruption or arising out of or in connection with a crime involving public corruption and such conduct having not been authorized by law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

**COUNT IV
FORGERY
S.C. Code Ann. § 16-13-10**

That BRANTLEY D. THOMAS, III, in Berkeley County, on or about December 1, 2011, did wilfully, unlawfully, and feloniously, falsely make, forge, or counterfeit any writing or instrument of writing; and did cause or procure to be falsely made, forged, or counterfeited any writing or instrument of writing; and did wilfully act or assist in the false making, forging, or counterfeiting of any writing or instrument of writing; and did utter or publish as true any false, forged, or counterfeited writing or instrument of writing; and did willingly act or assist in any of the above, with an intention to defraud any person; to wit:

While serving in his capacity as a financial officer for the Berkeley County School District, THOMAS forged an invoice so that it appeared to be from a legitimate school district vendor, when in fact it instead had the payment address for the servicer of THOMAS's personal credit card account. THOMAS thus caused the Berkeley County

School District to make a payment from public school funds on THOMAS's personal credit card account in an amount of five thousand dollars or more, and indeed an amount of approximately \$26,743.31.

All in violation of section 16-13-10 of the South Carolina Code of Laws, as amended; and such conduct involving public corruption or arising out of or in connection with a crime involving public corruption and such conduct having not been authorized by law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

**COUNT V
EMBEZZLEMENT
S.C. Code Ann. § 16-13-210**

That BRANTLEY D. THOMAS, III, in Berkeley County, on or about March 10, 2012, while THOMAS was responsible for the safekeeping, transfer and disbursement of public funds, did embezzle and convert to his own use ten thousand dollars or more (\$10,000) of those public funds, with the intention to defraud the Berkeley County School District, to wit:

THOMAS, while serving in his capacity as a financial officer for the Berkeley County School District, did convert to his personal use approximately \$31,176.50 of public school funds, by causing the Berkeley County School District to route a check that supposedly was for payment to a legitimate school district vendor instead to his credit

card servicer for payment on his personal account.

All in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and such conduct involving public corruption or arising out of or in connection with a crime involving public corruption and such conduct having not been authorized by law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

**COUNT VI
EMBEZZLEMENT
S.C. Code Ann. § 16-13-210**

That BRANTLEY D. THOMAS, III, in Berkeley County, on or about April 6, 2012, while THOMAS was responsible for the safekeeping, transfer and disbursement of public funds, did embezzle and convert to his own use ten thousand dollars or more (\$10,000) of those public funds, with the intention to defraud the Berkeley County School District, to wit:

THOMAS, while serving in his capacity as a financial officer for the Berkeley County School District, did convert to his personal use approximately \$21,288.23 of public school funds, by causing the Berkeley County School District to route a check that supposedly was for payment to a legitimate school district vendor instead to his credit card servicer for payment on his personal account.

All in violation of section 16-13-210 of the South Carolina Code of Laws, as

amended; and such conduct involving public corruption or arising out of or in connection with a crime involving public corruption and such conduct having not been authorized by law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

**COUNT VII
EMBEZZLEMENT
S.C. Code Ann. § 16-13-210**

That BRANTLEY D. THOMAS, III, in Berkeley County, on or about September 11, 2001, while THOMAS was responsible for the safekeeping, transfer and disbursement of public funds, did embezzle and convert to his own use less than ten thousand dollars (\$10,000) of those public funds, with the intention to defraud the Berkeley County School District, to wit:

THOMAS, while serving in his capacity as a financial officer for the Berkeley County School District, did convert to his personal use approximately \$8,318.24 of public school funds, by causing the Berkeley County School District to issue a payment that supposedly was for a "REFUND TO USC", but instead was applied for payment on his personal credit card account.

All in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and such conduct involving public corruption or arising out of or in connection with a crime involving public corruption and such conduct having not been authorized by

law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

**COUNT VIII
EMBEZZLEMENT
S.C. Code Ann. § 16-13-210**

That BRANTLEY D. THOMAS, III, in Berkeley County, on or about July 20, 2004, while THOMAS was responsible for the safekeeping, transfer and disbursement of public funds, did embezzle and convert to his own use less than ten thousand dollars (\$10,000) of those public funds, with the intention to defraud the Berkeley County School District, to wit:

THOMAS, while serving in his capacity as a financial officer for the Berkeley County School District, did convert to his personal use approximately \$9,558.42 of public school funds, by causing the Berkeley County School District to issue a payment that supposedly was for Medicaid, but instead was deposited into his personal checking account. This occurred at a time when THOMAS and another person were actively in the process of purchasing a lot and building a house in the Tanner Hall neighborhood of Hanahan, South Carolina.

All in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and such conduct involving public corruption or arising out of or in connection with a crime involving public corruption and such conduct having not been authorized by

law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

**COUNT IX
EMBEZZLEMENT
S.C. Code Ann. § 16-13-210**

That BRANTLEY D. THOMAS, III, in Berkeley County, on or about September 26, 2005, while THOMAS was responsible for the safekeeping, transfer and disbursement of public funds, did embezzle and convert to his own use less than ten thousand dollars (\$10,000) of those public funds, with the intention to defraud the Berkeley County School District, to wit:

THOMAS, while serving in his capacity as a financial officer for the Berkeley County School District, did convert to his personal use approximately \$3,771.25 of public school funds, by causing the Berkeley County School District to issue a payment that supposedly was for an administrative fee to Wachovia, but instead was deposited into his personal checking account.

All in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and such conduct involving public corruption or arising out of or in connection with a crime involving public corruption and such conduct having not been authorized by law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

**COUNT X
EMBEZZLEMENT
S.C. Code Ann. § 16-13-210**

That BRANTLEY D. THOMAS, III, in Berkeley County, on or about December 4, 2009, while THOMAS was responsible for the safekeeping, transfer and disbursement of public funds, did embezzle and convert to his own use ten thousand dollars or more (\$10,000) of those public funds, with the intention to defraud the Berkeley County School District, to wit:

THOMAS, while serving in his capacity as a financial officer for the Berkeley County School District, did convert to his personal use approximately \$36,934.50 of public school funds, by causing the Berkeley County School District to issue a payment that supposedly was for an "Auto-Renewal", but instead was applied for payment on his personal credit card account.

All in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and such conduct involving public corruption or arising out of or in connection with a crime involving public corruption and such conduct having not been authorized by law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

**COUNT XI
EMBEZZLEMENT
S.C. Code Ann. § 16-13-210**

That BRANTLEY D. THOMAS, III, in Berkeley County, on or about February 2, 2011, while THOMAS was responsible for the safekeeping, transfer and disbursement of public funds, did embezzle and convert to his own use ten thousand dollars or more (\$10,000) of those public funds, with the intention to defraud the Berkeley County School District, to wit:

THOMAS, while serving in his capacity as a financial officer for the Berkeley County School District, did convert to his personal use approximately \$98,349.00 of public school funds, by causing the Berkeley County School District to issue "3 Chks" for \$32,783.00 each, that supposedly were for an "Additional Architect Fee" for Cane Bay Middle School, when instead he stole the entire \$98,349.00 by applying the checks as payment on his personal credit card account.

All in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and such conduct involving public corruption or arising out of or in connection with a crime involving public corruption and such conduct having not been authorized by law.

Against the peace and dignity of this State and contrary to the law in such case made and provided.

A True Bill

[REDACTED]

FOREPERSON

Alan Wilson

ALAN WILSON (scw)
ATTORNEY GENERAL